

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAUL C. ZAPATA,

Plaintiff,

v.

No. CIV-07-0519 RB/WPL

KARLE [sic] BRANDENBURG (HEAD
OF DISTRICT ATTORNEY OFFICE), ET AL.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Plaintiff's motion for reconsideration (Doc. 27) filed January 24, 2008, and two objections to dismissal (Docs. 28 and 33) filed January 24 and March 21, 2008. The court construes the motion and the two objections together as a motion under rule 60(b) of the Federal Rules of Civil Procedure (the "60(b) motion"). The motion seeks relief from the order and judgment entered on January 3, 2008, by which the Court dismissed Plaintiff's complaint with prejudice.

Also before the Court is Plaintiff's motion for summary judgment (Doc. 26) filed January 10, 2008. This motion also was filed after the Court dismissed the action and is therefore moot. The motion will be denied.

In his 60(b) motion, Plaintiff reasserts claims from the complaint, sets out a large number of conclusory statements of law, and registers complaints about the state judicial system. These are not grounds for relief under rule 60. *See Martino v. Miller*, 341 F. Supp. 2d 256, 258 (W.D.N.Y. 2004) (denying motion for failure to allege grounds provided in the rule). "Rule 60 vests the court with broad equitable powers to grant relief from a final judgment or order, including a new trial.

But it does not authorize the court to vitalize a defective motion.” *Sutherland v. Fitzgerald*, 291 F.2d 846, 847 (10th Cir. 1961) (citations omitted). “[M]otions considered under Rule 60(b) must be shaped to the grounds 60(b) lists as possible bases for relief. Such motions cannot be mere general pleas for relief.” *Helm v. Resolution Trust Corp.*, 43 F.3d 1163, 1167 n.2 (7th Cir. 1995). “[R]evisiting the issues already addressed ‘is not the purpose of a motion to reconsider.’ ” *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991) (quoting lower court’s order). Plaintiff’s motion for reconsideration does not present grounds for relief and will be denied.

IT IS THEREFORE ORDERED that Plaintiff’s motion for summary judgment (Doc. 26) filed January 10, 2008, is DENIED as moot;

IT IS FURTHER ORDERED that Plaintiff’s motion for reconsideration (Doc. 27) filed January 24, 2008, and his two objections (Docs. 28 and 33) filed January 24 and March 21, 2008, construed herein collectively as a motion under rule 60(b) of the Federal Rules of Civil Procedure, are DENIED.



UNITED STATES DISTRICT JUDGE